

Patent Cooperation Treaty  
Legal Office

Deepak Malhotra  
WELLS, ST. JOHN, ROBERTS, GREGORY & MATKIN, P.S.  
601 West First Avenue, Suite 1300  
Spokane, WA 99201-3828

In re Application of  
VAN DIJK et al  
U.S. Application No.: 09/171910  
PCT No.: PCT/NL95/00153  
Int. Filing Date: 27 April 1995  
Priority Date: 27 April 1995  
For: PLASTIC-BASED COMPOSITE  
PRODUCT

## COMMUNICATION

This communication is in response to applicants' declaration filed 18 March 1999, which included a declaration of inventor, Van Dijk, explaining why a defective declaration was previously submitted.

On 01 March 1999, a decision granting applicants' petition to revive the above-captioned application was mailed. However, applicants were informed that the declaration was not in compliance with 37 CFR 1.497(a) because it did not identify and is not executed by all of the inventors. Specifically, inventor De Vries was not identified and has not executed the declaration. A one-month time limit was set for response.

On 18 March 1999, applicants submitted via facsimile a new declaration naming both inventors and signed by both inventors which was accompanied by, *inter alia*, a declaration of Mr. Van Dijk explaining how the error in signing the declaration by himself occurred.

37 CFR 1.63, *Oath or Declaration*, states, in part:

(a) An oath or declaration filed under Section 1.51(b)(2) as a part of an application must:

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(3) Identify each inventor by: full name, including the family name, and at least one given name without abbreviation together with any other

given name or initial, and the residence, post office address and country of citizenship of each inventor; and

(4) State whether the inventor is a sole or joint inventor of the invention claimed.

(b) In addition to meeting the requirements of paragraph (a), the oath or declaration must state that the person making the oath or declaration,

(2) Believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought;

In this case, Mr. Van Dijk declares that "Franciscus B.A. De Vries is also an inventor" of the above-captioned application, Van Dijk Decl. ¶ 2., and that "[Mr. De Vries] name was omitted on the Declaration filed October 27, 1998 through inadvertance and without deceptive intent because I [Van Dijk] was unaware that, under U.S. law all inventors must sign the Declaration." Van Dijk Decl. ¶ 3. In addition, applicants filed a new declaration signed by both Mr. Van Dijk and Mr. De Vries.

Accordingly, Mr. Van Dijk's declaration sufficiently explains why the original declaration was submitted with only one inventor listed.

### DECISION

Applicants declaration filed with the instant petition, is in compliance with 37 CFR 1.63 and 37 CFR 1.497(a).

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 27 April 1995, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of 18 March 1999.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



James Thomson  
Petitions Attorney  
PCT Legal Office

Tel: (703) 308-6457